

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Jo Anna Lang, PR of the Estate Dick  
Lang, Wife and Husband, adoptive  
parents of C.L., a minor child (DOB 08-  
10-2011) and R.L., a minor child. (DOB  
11-24-2003), Jo Anna Lang, Guardian ad  
Litem, for C.L. and R.L.

Plaintiffs,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES, (DSHS) CHILD  
PROTECTIVE SERVICES, (CPS),  
Kaytena Gonzalez, and MARK AUSTIN  
GONZALEZ individually and as a marital  
community, Pamela Williams, and Joe  
Doe Williams, and as a marital  
community, Jennifer White and JOHN  
DOE White individually and as a marital  
community, Laura Caruso and JOHN  
DOE Caruso, individually and as a marital  
community; Sarah Coshow, and JOHN  
DOE Coshow, individually and as a

Case No.:

COMPLAINT

**DEMAND FOR JURY TRIAL**

1 marital community, Janelle E. Redmond  
2 and JOHN DOE Redmond, individually  
3 and as a marital community, Larraine  
4 Martinez, and JOHN DOE Martinez,  
5 individually and as a marital community,  
6 Beth A. Kutzera, and JOHN DOE  
7 Kutzera, individually as a marital  
8 community, J. Aaron Merino, and JOHN  
9 DOE Merino; individually and as a marital  
10 community Jaimee Scheffler and JOHN  
11 DOE Scheffler individually and as a  
12 marital community,  
13 And,  
14 Office of the Attorney General, State  
15 Agency, Danial Hsieh, AAG  
16 And,  
17 Vancouver Police Department,  
18 And,  
19 Cowlitz County Sheriff's Office,  
20 And,  
21 Eimiko Murlin and Jeff Ian Murlin,  
22 individually and as a marital community.  
23 Foster Parents of C.L.,  
24 And,  
25 Steve Vallembois, and Jimmy Howard,  
26 individually, and as a community,  
27 Foster Parents for R.L.,  
28 And,  
29 Court Appointed Special Advocate,  
30

1 C.A.S.A,  
2 And,  
3 Legacy Salmon Creek Medical Center,  
4 Kimberly Copeland, MD,  
5  
6 Defendants.

7  
8 I. INTRODUCTION

9 COMES NOW the above-named Plaintiffs, by and through their attorney of  
10 record, KEVIN L. JOHNSON, P.S., Attorney & Counselor at Law, for causes of action  
11 against all of the above-named Defendants.

12  
13 This is a civil action commenced pursuant to 42 U.S.C. § 1983 to redress  
14 Plaintiffs' civil rights secured to the Plaintiffs, Dick Lang (now deceased), Joanna Lang  
15 as a community, and as the parents of R.L. (DOB 2003) and C.L. (DOB 11).  
16 Defendants, deprived all Plaintiffs of their federal and state constitutional and statutory  
17 rights while acting under "color of law;" unlawfully removed and detained R.L. and C.L.  
18 from their non-abusive home and placed them in separate abusive homes, absent a  
19 warrant and without probable cause, or exigent circumstances, in deprivation of their  
20 rights guaranteed and protected by the Constitution, Laws of the United States,  
21 Washington Constitution, and Laws of Washington State. Plaintiffs complain and allege  
22 as follows:

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25 II. SUBJECT MATTER JURISDICTION

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27 1. Before commencing a suit against a government entity in  
28 Washington, a Plaintiff is required to file a standard claim form with Enterprise  
29 Services RCW 4.92.100. No action subject to the claim filing requirements of RCW  
30

1 4.92.100 shall be commenced against the state, or against any state officer,  
2 employee, or volunteer, acting in such capacity for damages arising out of the  
3 tortious conduct until sixty calendar days had elapsed after the claim is presented  
4

5 to the Department of Enterprise Services.” RCW 4.92.110. Plaintiffs have filed four  
6 torts claim forms, which were received by the Office of Enterprise Services on  
7 August 30, 2019, and as such, the requisite sixty calendar days have elapsed.  
8

9 See, Exhibits 1,2,3,4.

10 2. The Enterprise Services and the Attorney General are required to  
11 collaborate in the investigation, denial, or settlement of the claim. RCW 4.92.210.  
12 On April 3, 2017 Plaintiff was informed by DSHS that the investigation would take  
13 60-80 days. To date, the State of Washington has not communicated with the  
14 Plaintiff in an effort to resolve Plaintiffs’ claims. Hearing no prospects of resolution  
15 from the State of Washington, Plaintiffs filed this federal lawsuit to prosecute their  
16 claims.  
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#### 20 A. FEDERAL JURISDICTION

21 3. Jurisdiction of the Federal Court attaches under 42 U.S.C. §1983.  
22 Jurisdiction is conferred on this court by 28 U.S.C. § 1343(3) and 1343(4), which  
23 provide for original jurisdiction in this court of all suits brought under § 1983; in that  
24 the causes of action arise under the Constitution and laws of the United States;  
25 Discrimination under Title VII of the U.S. constitution codified at 42 U.S.C § 2000e,  
26 RICO § 1962; and 28 U.S.C. § 1367, in that causes of action arising under state  
27 law, are so related to the claims within the original jurisdiction of the court that it  
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forms a part of the same case or controversy under Article III § 2 of the Federal Constitution.

#### B. SUPPLEMENTAL JURISDICTION

4. The Plaintiffs request the court exercise supplemental jurisdiction over State Law claims under 28 U.S.C. § 1367 for violations of Washington Constitution, art. 1 § 10; RCW 13.34.020, RCW 13.34.050, RCW 26.44.030(1)(iii), Fraud Chapter 9A.60 RCW, Perjury, Negligent Investigation, Harmful Placement, Defamation, kidnaping, Conspiracy, Negligent Infliction of Emotional Distress, Outrage, and for Injunctive relief.

#### III. PERSONAL JURISDICTION

5. The Plaintiffs are citizens of the state of Washington and reside in Clark County, Vancouver, Washington within the jurisdiction of the Western District Federal Court.

6. Most individual Defendants are state actors/officials, working on behalf of a State Agency, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, (DSHS) CHILD PROTECTIVE SERVICES, (CPS), Kaytena Gonzalez, and Mark Austin Gonzalez individually and as a marital community, Pamela Williams, and John Doe Williams individually and as a marital community, Jennifer White and JOHN DOE White individually and as a marital community, Laura Caruso and JOHN DOE Caruso, individually and as a marital community; Sarah Coshow, and JOHN DOE Coshow, individually and as a marital community, Janelle E. Redmond and JOHN DOE Redmond, individually and as a marital community, Larraine Martinez, and JOHN DOE Martinez, individually and as a marital community, Beth A. Kutzera, and JOHN DOE

1 Kutzera, individually as a marital community, J. Aaron Merino, and Jane DOE Merino;  
2 individually and as a martial community Jaimee Scheffler and JOHN DOE Scheffler  
3 individually and as a marital community are all located in Clark County, City of  
4

5 Vancouver, State of Washington.

6           6. Defendant, the Vancouver Police Department, at all times relevant  
7 to this action, was acting on behalf of the City of Vancouver in the State of  
8 Washington. Defendant is a municipality and Plaintiffs assert that it violated a city  
9 or county custom or policy that caused the constitutional deprivation to Plaintiffs'  
10 civil rights.  
11

12           7. Defendant, Cowlitz County is a municipality and Plaintiff asserts  
13 that it violated a city or county custom or policy that caused the constitutional  
14 deprivation of Plaintiffs' civil rights.  
15

16           8. A claim for damages form was submitted to both Defendants  
17 Vancouver Police and the Cowlitz County and hearing no response, Plaintiff filed  
18 this lawsuit.  
19

20           9. Defendant Dan Hsieh is a "state actor" who at the time was working  
21 as an Assistant Attorney General, (AAG) for the State Attorney General's Office  
22 located in the State of Washington. He was complicit in the misconduct which  
23 caused a constitutional deprivation of Plaintiffs' constitutional rights.  
24

25           10. Eimiko Murlin and Jeff Ian Murlin, individually and as a martial  
26 community, were the foster care parents for C.L. and were complicit in the  
27 constitutional deprivation of Plaintiff's rights.  
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1           17.       Under this legislative declaration, the bond between a child and his  
2           parents is of paramount importance and any intervention into the life of the child is  
3           also an intervention into the life of the parents. Plaintiffs allege that Defendant  
4

5           DSHS-CPS complicit with the help of the other defendants, separated and  
6           detained R.L. and C.L. from their mother, father and home from February 3, 2017  
7           to April 4, 2018. 425 days.  
8

9           18.       For more than 30 years, Plaintiffs' Dick and Joanna Lang have  
10          opened their hearts and home and adopt minority special needs children.  
11

12          19.       On January 31, 2017 Defendant CPS received an anonymous  
13          telephone referral, Intake # 3534736, regarding the Plaintiffs Dick and Joanna  
14          Lang's' alleged mistreatment of R.L. See Exhibit 5. DSHS-CPS's investigation  
15          totaled 48 hours, and an alleged discussion with Plaintiff before concluding that the  
16          allegations of negligent treatment or maltreatment involving R.L. was founded. No  
17          investigation regarding C.L. occurred. DSHS-CPS knew at this time that the  
18          referent was and still is incompetent to testify in a court of law since December 28,  
19          2017. See Exhibit 6. The referral which caused the founded finding led to the  
20          removal of R.L. and C.L. from Plaintiff's home detaining the children in two  
21          separate foster homes based on the evidence of an incompetent referent. Knowing  
22          about this evidence is perhaps the reason why DSHS-CPS or the AAG did not call  
23          her to testify at any hearing.  
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27          20.       On Thursday, February 2, 2017 at approximately 10 a.m., CPS,  
28          Social Workers, Kaytena Gonzalez and Pamela Williams, along with the  
29          Vancouver Police banged on Plaintiff's front door as if it was a police raid, scaring  
30



1 the children and parents. Joanna Lang answered the door. After the Vancouver  
2 Police (VP) Officer saw and spoke R.L., he refused to take R.L. & C.L. into  
3 protective custody. Shortly after this encounter with CPS and VP, Joanna Lang  
4

5 called the Home School Legal Defense Association (HSLDA) who advised Plaintiff  
6 to take R.L. to his regular pediatrician. See Exhibit 7. Under RCW 26.44.100 it is  
7 the duty of CPS to inform the Plaintiffs at the "point of contact" the reason for any  
8 visit. Here, CPS never informed Plaintiffs of the reason or purpose for the contact,  
9 nor did the Vancouver Police (VP). Neither DSHS-CPS nor the VP had a warrant  
10 or order to take the children.  
11

12  
13 21. On February 2, 2017 Kaytena Gonzalez, Pamela Williams and the  
14 Vancouver Police gave Plaintiff Joanna Lang a hand-written note demanding that  
15 she take R.L. to Legacy Salmon Creek ER for a full checkup. See, Exhibit 8.  
16

17 22. On the advice of HSLDA Plaintiff followed up with Dr. Fuchs.  
18 Plaintiff Joanna Lang took R.L. to Dr. Fuchs, R.L.'s regular physician.  
19

20 23. February 2, 2017 it was Dr. Fuchs informed Plaintiff, Joanna Lang  
21 the reason for the visit by CPS was R.L.'s thinness. Joanna told Dr. Fuchs that  
22 "she homeschools R.L. and he spends a lot of time in his room and he's thin."  
23 Joanna further indicated that she is aware of the issue and that R.L.'s weight  
24 fluctuation was caused by his reaction to the medication that he was taking. Since  
25 2012, Plaintiff worked with Dr. Fuchs and other physicians to ensure the health and  
26 will-being of R.L. R.L. began taking a new SSRI prescription in late October 2017,  
27 the effects can take several weeks to show. The medications taken by R.L. have  
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1 varied over the years, with the fluctuation of his weight being well-documented.

2 The worst weight loss was in 2014 when he was taking Adderall.

3 24. Since 2012, Dr. Fuchs, treated R.L. for weight loss. Soon after

4  
5 R.L.'s arrival in the Lang home, Dr. Fuchs and Joanna Lang discussed R.L.  
6 mediation and decided to try ADD medication to help R.L. with focus and  
7 concentration. A side-effect of the medication is weight loss. Since June 29, 2017,  
8 R.L. was taking Zoloft and is gaining weight. Dr. Fuchs discussed these issues  
9 with CPS. See, Exhibit 9.  
10

11 25. After February 2, 2017, both DSHS-CPS and the AAG received oral  
12 and/or written communication from Dr. Fuchs after he examined R.L. *Id.*  
13

14 26. On February 3, 2017, CPS took R.L. and C.L. to Legacy Salmon  
15 Creek Hospital ER, where they both underwent "child abuse specific exams"  
16 without the Plaintiffs' knowledge or presence. Both R.L. and C.L. were examined  
17 by Tam T. Vuong M.D. who opined after the examination of R.L. & C.L. that: "No  
18 signs of Physical Abuse," that both were "Safe to go Home," and that each should  
19 "follow up with their pediatrician Charles E Fuchs M.D." Dr. Vuong further noted  
20 that there were no "signs of abuse," "no malnourishment," and more generally, "no  
21 medical concerns". See Exhibit 10 & 11. Despite having receive two medical  
22 opinions, under the Statute R.L. and C.L. should have been safe to return home  
23 because there was no imminent danger, or abuse. Defendant DSHS-CPS refused  
24 to allow the children to return to Plaintiffs.  
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28 27. On February 3, 2018, Defendant Hsieh filed a Dependency Petition  
29 for an Order to take R.L. into Custody and Placed in Shelter Care. Cause #17-7-  
30

1 00038-0. See Exhibit 12 . On the same day, C.L. was added to the pick-up order,  
2 not the petition and a new Cause # 17-7-00039-8 appeared. The ex-parte order to  
3 take R.L. into custody was signed by the Commissioner but the ex-order for C.L.  
4

5 was signed by someone else. See Exhibit 13.

6 28. On February 3, 2017, the Vancouver Police (VP) again banged on  
7 the Plaintiff's door scaring the children and Joanna and Dick Lang. Joanna Lang  
8 answered the door and stood there. One Vancouver Police Deputy threatened to  
9 obtain a warrant and further warned that he would "*kick the door down*" when they  
10 came back. Out of fear and intimidation, and for the safety and protection of C.L.  
11 and R.L., Plaintiff Joanna Lang let the four police deputies and three DSHS-CPS  
12 Social Workers into Plaintiffs' home. They proceeded to search the Lang's home  
13 and seize R.L. and C.L. and take property based on the pick-up order. See Exhibit  
14 13.  
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18 29. Absent extraordinary circumstances a parent has a familial association  
19 and privacy that cannot be violated without adequate pre-deprivation procedures. This  
20 is significant because filing a dependency petition to procure an ex-parte order based  
21 on misrepresentation and omission in the declaration does not constitute notice and  
22 an opportunity to be heard to the Plaintiffs.  
23

24 30. Parents may assert their children's 4<sup>th</sup> amendment claims their own 4<sup>th</sup>  
25 amendment claims as well as asserting other claims. Procurement of an order to  
26 seize R.L. and C.L. amounts to hearsay and is a violation of the 4<sup>th</sup> amendment to the  
27 Constitution of the United States and other federal statutes, RCWs, DSHS-CPS policy  
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1 and the certification on page 5, of the dependency petition to enter and seize Plaintiff's  
2 children. Thus, a deprivation of Plaintiffs' constitutional rights.

3  
4 31. On February 3, 2017, Kaytena Gonzalez falsely reported to "Adult  
5 Protective Services" (APS) that Plaintiff, Dick Lang was a vulnerable adult. On  
6 February 23, 2017, Adult Protective Services (APS) "closed" the referral and  
7 investigation regarding Dick Lang because Mr. Lang did not meet the criteria. This  
8 referral was made the same day DSHS-CPS and the Vancouver Police seized and  
9 detained R.L. and C.L. from their home. DSHS-CPS appears to have some animus  
10 against the Plaintiffs. See, Exhibit 14, and accompanying affidavit from Dick Lang.

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12  
13 32. On February 5, 2017, while in Foster Care, Mr. Howard, examined R. L.'s  
14 body before getting into the shower for marks and bruises, when two days prior, R.L.  
15 had a "specific child abuse examination" from Dr. Vuong, who opined that there  
16 was "no abuse".

17  
18 33. Sunday, at 2:15 pm on February 5, 2017 Defendant CPS, Social  
19 Worker, Kaytena Gonzalez arrived at Plaintiffs' front door again and handed Ms.  
20 Lang two smaller envelopes. Inside the envelopes was a brief note regarding a  
21 Family Team Decision Meeting (FTDM) scheduled for February 6, 2017, the next  
22 morning at DSHS-CPS. Accompanying Plaintiffs to the FTDM meeting were  
23 Pastor Jeff Leveton, his wife Holly, Kathryn Landers, and Wilma Jackson. See  
24 Exhibits 15, A, B, and C. The foster mother of C.L. Ms. Murlin was also in the  
25 meeting, despite her attendance being prohibited under §1720 of the DSHS-CPS  
26 FTDM policy. (noting that a foster parent is not allowed to attend a "family" meeting  
27 without the Plaintiffs' consent). DSHS did not get Plaintiff's consent prior to the  
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1 FTDM meeting and ignored the policy by allowing the Ms. Murlin to remain in the  
2 meeting in violation of RCW 13.34.067 and RCW 13.34.145 and Children  
3 Administration Policy. See, Exhibit 16.  
4

5 34. The Family Team Decision Meeting (FTDM) must occur not less  
6 than 24 hours before the Shelter Care hearing. RCW 13.34.062 (2) (b) and (9)  
7 which states that "receipt shall be made a part of the court's file in the dependency  
8 action." Plaintiffs did not receive notice of the 72 Hour Shelter Care Hearing. She  
9 found out about the Shelter Care Hearing when she attended the FTDM meeting  
10 on February 6, 2017 and did not receive a receipt of the notice that is required to  
11 be part of the court file. This conduct violated RCW 13.34.062. See Exhibit 17.  
12 Allegedly, on February 3, 2017 Ms. Gonzalez gave the notice to Plaintiff. Plaintiff  
13 does not recall receiving this notice. Whether Plaintiff recalls or not really does not  
14 make a difference because DSHS-CPS, the AAG knew about the Doctors'  
15 opinions that R.L. and C.L. were safe to return home on February 3, 2017 so a  
16 hearing should have never been convened.  
17

18 35. Whenever a child is taken into custody by child protective services  
19 pursuant to a court order issued under RCW 13.34.050 or when child protective  
20 services was notified that a child has been taken into custody pursuant to RCW  
21 26.44.050 or 26.44.056, child protective services shall hold a Shelter Care Hearing  
22 within 72-hours RCW 13.34.065. The purpose of the Shelter Car Hearing is to  
23 determine whether R.L. and C.L. can be immediately and safely returned home  
24 while adjudication of the dependency is pending. The February 7, 2017 Shelter  
25 Care Hearing was a scheduling conference. See, Exhibit 18. The participants  
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1 failed to discuss anything substantive like whether R.L. and C.L. were safe to  
2 return home. No notice pursuant to RCW13.34.062 was given to Plaintiffs. The  
3 AAG scheduled the hearing for March 27, 30 2017 far beyond the 72-hours. See,  
4

5 Exhibit, 18-A. DSHS-CPS and the AAG knew about the Drs opinions--that the  
6 children were determined safe to return home on February 3, 2017. Instead of  
7 returning the children to their parents, DSHS-CPS placed R.L. and C.L. in  
8 separate foster homes in violation of the statute. R.L. and C.L. were separated  
9 and out-of-the Plaintiffs' home for 425 days.  
10

11 36. On February 3, 2017 Katie Gonzalez, reported the alleged child  
12 abuse incident to Defendant, Vancouver Police. On March 8, 2017 the  
13 investigation was assigned to Detective, Dustin Gouschaal. He interviewed  
14 referent, Holly Lang, who was not comfortable cooperating in the investigation. At  
15 this time Holly Lang was incompetent to testify. See, Exhibit 6. This important  
16 information was not in the Detective's report. Detective Gouschaal also tried to  
17 contact the collaterals. Randon Lang (whose telephone was no longer in service)  
18 and Wendy Lang, who, at this time, lived in Montana and did not return the  
19 Detectives calls. Gouschaal was not able to elicit any cooperation from those who  
20 were active in contacting and communicating with DSHS-CPS.  
21

22 37. Detective Gouschaal received numerous emails from Katie  
23 Gonzales that appeared to be from other collateral parties, who knew or may have  
24 had contact with R.L. While this information was potentially important for  
25 background information to a CPS case, the information supplied by Ms. Gonzalez,  
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1 CPS Social Worker was not of any evidentiary value to the case the Detective was  
2 investigating. See Exhibit 18-B.

3  
4 38. In the February 7, 2017 Shelter Care Hearing Order, Defendant,  
5 Hsieh, AAG, DSHS-CPS and Mr. Waldo, agent of C.A.S.A, the Children's GAL,  
6 supported that there was a risk of imminent harm to the children to support the out  
7 of home placement pending the fact finding hearing; Defendants determined that  
8 returning the children to the Plaintiffs home would seriously endanger the  
9 children's health, safety and welfare; that it is contrary to the welfare of R.L. too  
10 remain in or return home; the children had no parent, guardian, or legal custodian  
11 to provide supervision for the children and/or release of the child would present a  
12 serious threat of substantial harm to the child. DSHS-CPS, the AAG and C.A.S.A.  
13 put these reasons in the court order despite knowledge of the two Doctor reports  
14 who opined that R.L. and C.L. were "Safe to go Home," that each should "follow up  
15 with their pediatrician Charles E Fuchs M.D." Dr. Vuong further noted that there  
16 were no "signs of abuse," "no malnourishment," and more generally, "No medical  
17 concerns". See Shelter Care Transcript Exhibit 18 .

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22 39. On February 7, 2017 a fact-finding hearing was convened. This  
23 was an administrative hearing to make sure there was a GAL. C.A.S.A was  
24 appointed for both children. See Fact Finding Transcript Exhibit 18.

25  
26 40. On March 1, 2017 Dr. Fuchs signed an immunization exemption  
27 and gave it Joanna Lang for C.L. DSHS-CPS received the Certificate of  
28 Exemption from Dr. Fuchs, C.L.'s regular Pediatrician. On March 9<sup>th</sup>, 2017 C.L.  
29 was given shots after DSHS-CPS knew C.L. was exempt from immunizations.  
30

1 The Foster Parents also fed C.L. meat. Plaintiff, Joanna Lang does not eat meat  
2 because they are Jewish. See, Exhibit 30.

3  
4 41. Next DSHS-CPS refers Joanna Lang to the Prosecutor's Office for  
5 maltreatment of R.L. On June 11, 2018 the Prosecutor found that there is  
6 insufficient evidence to pursue prosecution of Joanna Lang. See Exhibit 19.

7  
8 42. On March 21, 2017 the Foster Parents, Murlins attempted to take  
9 C.L. out of state to visit Six Flags in California. DSHS-CPS and Hsieh was onboard  
10 supporting the Foster Parents. Plaintiffs sought to prevent the removal of C.L. from  
11 the state. See Exhibit 20. Instead of allowing the children to go home, DSHS-CPS  
12 kept C.L. and R.L. separated by sending C.L. to respite care, rather than returning  
13 both children home knowing about Drs. Fuchs and Vuong's medical reports.

14  
15 43. Eight days later, on March 30, 2017, DSHS-CPS and the AAG filed  
16 motion to suspend Plaintiffs' *visitation* with R.L. and C.L. Dick Lang filed a motion  
17 to clarify visitation as it related to R.L. *Transcript of the proceedings, March 21,*  
18 *2017. See Exhibit 21.* DSHS-CPS never informed Plaintiffs that their weekly visits  
19 were suspended. Plaintiffs found out when they appeared that Friday at their  
20 regular visit with their children. On one occasion the Foster Mother cancelled visit.  
21 DSHS did not provide Plaintiff the notes regarding the visitation with Plaintiffs.  
22 DSHS-CPS notes would have shown that both children enjoyed visiting with their  
23 parents. DSHS-CPS, or Mr. Hsieh did not offer this evidence to the court just like  
24 the Doctors' reports from February 2 and 3, 2017 even though they had a duty to  
25 do so. Instead, Ms. Kutza, Social Worker refers the matter to an outside agency  
26 called the Children Justice Center (CJC) multidisciplinary team. Dr. Copeland,  
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1 who is a Pediatrician and part of the team, only met with R.L., never met with C.L.  
2 DSHS argued that they had concerns for both children, but DSHS-CPS separated  
3 the children again referring C.L. to outside services with an organization called  
4

5 Innovative Services, and R.L. to the multidisciplinary team.

6 44. In the December 15, 2017 hearing the Commissioner ruled that the  
7 State prevailed. This determination was made based upon false information in the  
8 dependency petition and incomplete records. The Assistant Attorney General  
9 (AAG) nor CPS were candid with the tribunal and failed to disclose the exculpatory  
10 medical examinations. See Exhibit 22.  
11

12 45. On December 21, 2017 C.L. had dental surgery for gingivitis which may  
13 be caused by malnutrition. Plaintiff has a right to be at C.L.'s medical appointments.  
14 The Foster Mom (Murlin) gave the Dentist consent to perform the dental procedure.  
15 CPS failed to notify the Plaintiffs, Dick or Joanna Lang. Prior to February 2, 2017  
16 C.L. never had any problems with his teeth, in fact sealants were put on without  
17 anesthesia to protect his teeth from decay. Since C.L. was in Foster Care (Murlins)  
18 and under DSHS-CPS supervision C.L. had to have surgery. See, Exhibit 23.  
19  
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21

22 46. Washington State Policy and DSHS-CPS mission are clear. They  
23 mandate that DSHS-CPS shall encourage the maximum parent and child and  
24 sibling contact possible, including regular visitation and participation by the parents  
25 in the care of their children in placement, by acting to protect children and  
26 promote healthier families. DSHS-CPS and the AAG violated that mandate by  
27 not allowing R.L. and C.L. to return home, breaking up the Lang family and  
28 separating the children from each other and their parents.  
29  
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1           47.       C.A.S.A breached its GAL duty toward R.L. and CL. When Kathy  
2 Shirilla read a letter in open Court from Dr. Copeland who opinioned that Plaintiff  
3 should have no visitation. This opinion was rendered despite the fact that Dr.  
4

5 Copeland never saw or treated C.L. and did not appear at the hearing.

6           48.       Additionally, Kathy Shirilla made false statements of fact when she  
7 testified that C.L. changed immensely over the time frame from being with the  
8 foster parents and about C.L. orthodontics. Her testimony that C.L.'s night terrors  
9 (that were never an issue at Plaintiff's home), had stopped. The medical reports  
10 said nothing about the issues that Ms. Shirilla under oath, relayed to the Court. It  
11 appears that Ms. Shirilla is advocating DSHS-CPS's position rather than  
12 independently reporting in the best interest of C.L. Based on her breach of her  
13 fiduciary duty and the untrue allegations she offered to the court, Commissioner  
14 Carin Schienberg suspended half of Plaintiffs visits. Furthermore, C.L.'s  
15 "Therapeutic" visits for the family was never scheduled.  
16  
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19           49.       During the hearing, R.L. asked for more visits with Parents and to  
20 see his brother, C.L., but "the Defendant, Aaron Merino and C.A.S.A. Kathy Shirilla  
21 failed to set them up".  
22

23           50.       Ms. Shirilla, failed to inform the court that C.L. was malnourished  
24 when he was in the Murlin's Foster Home. In the pictures, C.L. bones protruding  
25 from his chest, ribs, and back, along with numerous other injuries. DSHS-CPS's  
26 treatment of C.L. constitutes "abuse and neglect" in violation of RCW 26.44.020(1),  
27 RCW 26.44.020(14), WAC 388-15-009, by placing C.L. with these foster parents.  
28  
29       See, Exhibit 24.  
30

1           51.       DSHS-CPS and C.A.S.A negligently and unreasonably created a  
2       foreseeable risk of harm to C.L. as reported by an Independent Investigator  
3       observing Ms. Murlin recklessly driving while C.L. in the car. DSHS-CPS and the  
4

5       AAG had a duty to investigate a December 3, 2017 report from Laura Anderson,  
6       an independent Private Investigator hired by Joanna Lang, regarding C.L. but  
7       failed in their duty to act upon an independent investigation that involved the Foster  
8       Parents Murlins. See, Exhibit 24. The Cowlitz County Sheriff's Department failed  
9       to investigate this independent report. See, Exhibit 25  
10

11           52.       In February 2018 R.L. and C.L. would have been kept out of their  
12       home for 12 months. A permanency planning hearing shall take place not later  
13       than 12 months. No such hearing was convened in violation of RCW 13.34.145.  
14

15           53.       On March 16, 2017 Foster Parents (Murlins) consulted Dr. Miller to  
16       have C.L. restrained at night. Plaintiff never used restraints on C.L. and was not  
17       notified by CPS of restrains. DSHS-CPS or the Foster Mom (Murlins) never  
18       produced evidence that C.L. harms himself or C.L. seriously damaged any  
19       property. Dr. Miller approved restraints by stating "may need to be restrained at  
20       night". Use of restraints is a violation of WAC 388-148-1620. See, Exhibit 25.  
21

22           54. On June 6, 2017 a wheelchair was prescribed, ordered for C.L., paid for  
23       by DSHS and delivered to the Murlins address. Nowhere do any of C.L. records i.e.  
24       school records ISNW or other records describe him as "having" any type of  
25       wheelchair. See, Exhibit 31.  
26

27           55.       On June 9, 2017 at a supervised visit, R.L. commented that "he  
28       could stay there all day" meaning at the visitation center, because he wanted to be  
29  
30

1 with his parents. The Supervisor heard this comment but omitted it from her report  
2 in violation of DSHS-CPS policy.

3  
4 56. During a supervised visit at CPS on September 15, 2017, R.L.  
5 indicated that "he wants to come home". R.L. expressed this feeling on numerous  
6 occasions to different people at Family Solutions and Innovation Services. DSHS-  
7 CPS did not return him home and did not record it in the notes in violation of  
8 DSHS-CPS policy.

9  
10 57. R.L. received threats while in foster care. In November 2017, Mr.  
11 Vallembois asked R.L. to come outside of a restaurant. When R.L. was outside,  
12 Steve Vallembois said to R.L. "if you were my kid I would "slap the s--t" out of you!"

13  
14 58. DSHS-CPS and the AAG had police report(s) of a child abuse  
15 allegation of Foster Parents, (Murlins) and reported that the Foster Parents house  
16 caught on fire when they left the children in the home without adult supervision.  
17 According to reports, it appears a 9-year-old started the house fire when C.L. was  
18 in the Foster home, yet DSHS-CPS failed in their duty to act upon the situation.  
19 Instead, Shirilla reported to the court on December 15, 2017 that "there are two  
20 trailers" "everything is in order." As a consequence, C.L.'s health deteriorated  
21 while he languished for nearly 6 months living in a travel trailer outside the foster  
22 care home, that was not in compliance with WAC110-148-1470 which addresses  
23 room sizes and living conditions. See, Exhibit 25.

24  
25  
26  
27 59. On April 1, 2018 Foster parents Mr. Vallembois and Mr. Howard  
28 had R.L. attend a Camp Star Light. R.L. thought it was a summer camp. R.L. had  
29 to take a shot before attending the camp. Sometime later, R.L. found out that the  
30

1 camp was for children living with people with HIV or AIDs. R.L. did not have HIV or  
2 AIDs, neither do Plaintiffs. R.L. was distraught and upset when he learned this.  
3 This was reported to DSHS-CPS and C.A.S.A. but they failed to act to protect R.L.  
4

5 See, Exhibit 26.

6 60. On May 22, 2018 the Superior Court handed down an Order  
7 Denying the Dependency Petition. See, Exhibit 27.  
8

9 61. After enduring the events from ¶s 16 through 52 above, Dick Lang  
10 had only one year with his children. He lost 425 days with his children. When C.L.  
11 returned Mr. Lang was hurt because damage the Defendants did to his sons. C.L.  
12 and R.L. were home for a year and to this day C.L. still struggles. On June 30<sup>th</sup>,  
13 2019 Dick Lang died of a stress related conditions proximately caused by DSHS-  
14 CPS, AAG, Foster Homes, C.A.S.A, the Police and all other Defendants' conduct.  
15 Now, Dick Lang does not have to watch C.L. struggle anymore.  
16  
17

## 18 VI. CAUSES OF ACTION

### 19 COUNT 1: DEPRIVATION OF PLAINTIFFS CIVIL RIGHTS UNDER §1983

20 62. Plaintiffs alleges that Defendants DSHS-CPS acting under the  
21 "color of state law" deprived Plaintiff civil rights under the 4<sup>th</sup> amendment right  
22 guaranteed by the Constitution of the United States, Article I § 7 of the  
23 Washington Constitution, when the Defendants, State Actors, Vancouver PD,  
24 entered and searched the Plaintiff's home without a warrant, seized R.L. and C.L.  
25 under the dependency order and took property belonging to the Plaintiff.  
26  
27

28 63. As a direct and proximate cause of the Defendants, deprivation of  
29 Plaintiffs' civil rights, Plaintiffs suffered damages, the likes of which are continuing.  
30

COUNT 2: DEPRIVATION OF PLAINTIFF'S PROCEDURAL DUE PROCESS RIGHTS

64. Fathers and Mothers should not be deprived of parental rights.

Plaintiffs allege that DSHS-CPS breached that duty to investigate the reliability of

the referrals on January 31, 2017 before it determined that the allegations were founded on April 3, 2017. See Exhibits 5 & 6.

65. After the founded finding DSHS-CPS entered the Plaintiffs name into the Central Register Case Management Information System (CAMIS) this system identifies individuals accused of child abuse in the child care field, which deprived Plaintiffs of their civil rights in violation of Plaintiffs' 4<sup>th</sup> amendment right to due process because Plaintiff's liberty interest was imperiled by this procedure.

66. DSHS-CPS knew or should have known that the anonymous referrals were from a person who was declared incompetent to testify in any proceeding on December 28, 2017. See, Exhibit 6.

67. As a direct and proximate cause of the Defendants' deprivation Plaintiffs substantive and procedural rights. Plaintiffs suffered damages, the likes of which are continuing.

COUNT 3: VIOLATION OF RCW 26.44.020 (1)

68. Defendant DSHS-CPS has a duty to protect R.L. from child abuse. DSHS placed R.L. in a Foster Home with Defendant, Steve Vallembois. On February 5, 2017, while in Foster Care, Mr. Howard, examined R. L.'s body before getting into the shower for marks and bruises, when R.L. had a "specific child abuse examination" from Dr. Vuong, who opinioned that there was "no abuse".

1           69.       One evening, in November 2017 Mr. Vallembois asked R.L. to  
2       come outside of a restaurant. When R.L. was outside, Steve Vallembois said to  
3       R.L.: 'if you were my kid I would "slap the s--t" out of you!'  
4

5           70.       As a direct and proximate cause of the Defendants' violation of  
6       RCW 26.44.020(1), Plaintiffs suffered damages, the likes of which are continuing  
7       for an undetermined amount of time:  
8

- 9                   a. Mental pain and suffering;  
10                  b. emotional distress; and  
11                  c. loss of enjoyment of life.  
12

13          71.       In Washington the right to family association includes the right of  
14       parents to make important medical decisions for their children and have those  
15       decisions made by their parents rather than the state. Plaintiffs alleges that the  
16       Defendant made important medical decisions for R.L. without the Plaintiffs' consent  
17       or notification. DSHS-CPS and the Foster parent led R.L. to believe that he was  
18       going to a camp for foster kids. Before they attended the camp, the foster parent  
19       took R.L. to Dr. Eisenfeld who gave R.L. a shot in the arm. Later, R.L. discovered  
20       that the camp was for children with family members living with AIDS or HIV.  
21       Neither R.L., nor the Lang family are currently living with AIDS or HIV. See, Exhibit  
22       27.  
23

24          72.       R.L. was also continually threatened while in Foster Care. On one  
25       occasion he was beat up by another foster kid. The Foster Parents never reported  
26       this incident CPS.  
27  
28  
29  
30

1           73.       As a proximate cause of these events, R.L. was distraught about  
2 the camp incident and suffered mental and emotional damages when he was  
3 assaulted while in the Foster Home, the likes which are continuing.  
4

5  
6                   COUNT 4: VIOLATION OF RPC 3.3(c)(f) AND 8.4(d)  
7

8           74.       Plaintiffs allege that Defendant Dan Hsieh (AAG) is a State Actor.  
9 The AAG proceeded with an ex-parte motion supported by a false declaration and  
10 negligent investigation seeking an order to remove R.L. and later C.L. from  
11 Plaintiff's home. It was signed on February 3rd, 2017, when both DSHS-CPS and  
12 the AAG knew about the exculpatory evidence from Dr. Charles E. Fuchs and Dr.  
13 Vuong opining that there were no concerns nor any reasonable cause to believe  
14 that R.L. and C.L. were in imminent danger. The AAG failed to present this  
15 exculpatory evidence to the Court.  
16  
17

18           75.       Defendants' breached its duty to the Plaintiffs and a direct and  
19 proximate cause of the AAG's failure/omission, Defendants violated the above  
20 RPC 3.3(c)(f), 8.4(d). Plaintiffs suffered damages the likes of which are  
21 continuing.  
22

23                   COUNT 5: HARMFUL PLACEMENT  
24

25           76.       Plaintiffs alleges that Defendants, Foster Parents, Eimiko Murlin  
26 and Jeff Ian Murlin had a duty to protect C.L. Defendants were negligent when  
27 taking care of C.L., C.L. and other children were left unsupervised when a 9-year-  
28 old started a fire that burned the home. C.L. had to stay in motor homes  
29 unauthorized by WAC 110-148-1470.  
30



1           77. C.L. was malnourished as you could observe his bones protruding  
2 from his chest, ribs, and back, along with numerous other injuries. The State  
3 Foster Care system treatment of C.L. constitutes "abuse and neglect" in violation of  
4

5 RCW 26.44.020(1), RCW 26.44.020(14), WAC 388-15-009 and state policy by  
6 separating R.L. and C.L. from their parents, then placing both in separate foster  
7 parents knowing about the Drs opinions on February 2 & 3 2017. DSHS-CPS  
8 and C.A.S.A negligently and unreasonably created a foreseeable risk of harm to  
9 C.L. when Ms. Murlin was observed driving recklessly with C.L. in the automobile.  
10  
11 See, Exhibit 23.

12  
13           78. As a direct and proximate cause of the Defendants violation of the  
14 above statutes and regulation, Plaintiff suffered damages, the likes of which are  
15 continuing.  
16

17 COUNT 6: DEFAMATION

18           79. DSHS-CPS reported that Plaintiff, Joanna Lang had mental  
19 problems and possible neglect in caring for R.L. and C.L. See, Exhibit 10. All such  
20 statements made by the Defendant DSHS-CPS about Plaintiff Joanna Lang were  
21 false and were communicated to third parties, placing Plaintiff in a false light in the  
22 community which damaged her reputation. This loss of reputation was coupled  
23 with DSHS-CPS relying in incompetent evidence to accuse Joanna Lang with child  
24 abuse.  
25  
26

27           80. Furthermore, Defendant DSHS-CPS (Ms. Gonzalez) falsely  
28 reported Plaintiff JoAnna Lang to Adult Protective Services (APS) for allegedly  
29  
30

1 abusing Plaintiff Dick Lang, her husband. APS closed the file deciding that there  
2 was no abuse because Mr. Lang did not meet legal criteria as a vulnerable adult.

3 81. DSHS referred Joanna Lang to the prosecutor's office for  
4 prosecution. On June 11, 2018, the Prosecutor's Office found that there was  
5 insufficient evidence to pursue successful prosecution of child abuse against the  
6 Plaintiffs.  
7

8 82. As a direct and proximate cause of the Defendants, DSHS-CPS  
9 communicating false information in reckless disregard of the truth to third parties  
10 and referring Jonna Lang for prosecution based on false information placed  
11 Plaintiff in a false light in the community. This conduct by the defendants violated  
12 the certification they made to the court in the dependency petition which amounted  
13 to perjury.  
14

15 83. As a direct and proximate cause Plaintiff suffered damages, the  
16 likes of which are continuing.  
17

18 COUNT 7: WRONGFUL DEATH UNDER RCW 4.20.010  
19

20 84. Plaintiff alleges that the relationship between R.L. and C.L. and  
21 Dick Lang is of paramount importance and any intervention into the life of the child  
22 is also an intervention into the life of the parent.  
23

24 85. Plaintiffs allege that the wrongful acts by Defendants DSHS-CPS,  
25 AAG, C.A.S.A. breaking up and separating C.L. and R.L. for 425 days caused  
26 overwhelming stress on the Plaintiff, Dick Lang.  
27

28 86. As a direct and proximate cause of the wrongful acts by  
29 Defendants, Dick Lang died on June 30, 2019.  
30

1           87.       Plaintiff Joanna Lang, the minor children R.L. and C.L., suffered  
2 damages from losing their dad, the likes of which are continuing.

3           88.       Plaintiff Joanne Lang, guardian for C.L. and R.L. and the executor  
4 of Dick Lang's estate, seeks to redress decedent's damages, including any pain  
5 and suffering, loss of love and affection, between the time of the deprivation of this  
6 civil rights by Defendants to the time of his death.

7  
8  
9                   COUNT 8: NEGLIGENT INVESTIGATION

10           89.       It is fundamental that the custody, care, and nurturing of a child,  
11 first reside in the parents, whose primary function and freedom include preparation  
12 of the obligations the state can neither supply nor hinder. It is alleged that  
13 Defendant seized Plaintiff's children from their home and placed them in two  
14 separate and abusive foster homes. Thus, breaking up the Lang family unit  
15 contrary to Statutes and DSHS-CPS policy.

16           90.       As a direct and proximate cause of placing R.L. and C. L. in two  
17 separate and abusive foster homes, breaking up their family, amounted to a  
18 harmful placement decision by DSHS-CPS. The children and parents suffered  
19 severe emotional damages, the likes of which are continuing.

20  
21                   COUNT 9: DISCRIMINATION

22           91.       Plaintiffs Dick and JoAnna are Jewish. R.L. and C.L. are minority  
23 children with special needs. Plaintiffs allege that the Defendant made their  
24 adverse Foster Home placement decision based on a racial and religious animus  
25 that was a substantial factor to the removal of R.L. and C.L. from the non-abusive  
26 home and placing them in an abusive home.

92. As a direct and proximate cause of Defendant's discrimination, Plaintiffs suffered physical and emotional damages, the likes of which are continuing.

COUNT 10 OUTRAGE

82. Plaintiff alleges that all defendants conduct was extreme, outrageous and in violation of many state statutes DSHS-CPS policy, Washington State Constitution, and the Rules of Professional Conduct. Their treatment of the Plaintiffs was utterly intolerable in a civilized society.

83. As a proximate cause, Plaintiff's suffered severe damages the likes that are still continuing.

## COUNT 11 CONSPIRACY

84. Plaintiff alleges that all defendants conspired to violate Plaintiff's civil rights, violate State Policy and Statutes, DSHS-CPS policy, Washington State Constitution, the Rules of Professional Conduct as well as municipal ordinances and customs

85. As a proximate cause, Plaintiff's suffered damages the likes that are continuing.

COUNT 12. VIOLATION OF THE RACKETEER  
INFULANCED AND CORRUPT  
ORGANIZATION ACT (RICO)

86. Plaintiffs allege that State of Washington, DSHS-CPS, et.al individually named Defendants violated (RICO). Defendants are individuals that manage care for dependents under Chapter 13 RCW. The Defendants conspired to kidnap and

1 detain R.L. and C.L. for 425 days by placing them out of their home into separate  
2 foster care homes. See, ¶s 15 to 85 above.  
3  
4

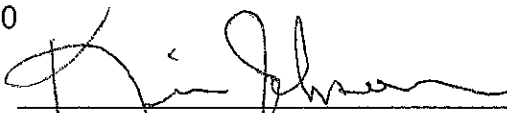
5 87. As a direct and proximate cause of the Defendant's conduct, Plaintiff  
6 suffered severe and irreversible damages the likes of which is continuing.  
7

8 VII. DEMAND

9 WHEREFORE, the Plaintiff prays for Judgment against all Defendants, as  
10 follows:  
11

- 12 1. For any and all relief authorized under the federal statute, state statute,  
13 and municipal ordinance.
- 14 2. For general damages in an amount to be determined at the time of trial;
- 15 3. For special damages in an amount to be determined at the time of trial;
- 16 4. For Plaintiff's costs and Attorney's fees;
- 17 5. For punitive damages for the Defendants outrageous and spiteful conduct  
18 and retaliation against the Plaintiffs;
- 19 6. Under RICO award up to three times the amount that the Plaintiffs lost;
- 20 7. For leave of Court to amend this Complaint as discovery proceeds;
- 21 8. For injunctive relief enjoining this behavior by all Defendants;
- 22 9. For a protective order against the State of Washington;
- 23 10. Pre-judgment interest; and
- 24 11. For such other relief as the Court deems just and equitable.

25 DATED this 21 day of January 2020  
26  
27  
28  
29  
30

  
\_\_\_\_\_  
KEVIN L. JOHNSON, WSBA #24784  
Attorney for Plaintiffs